

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA

v.

Criminal No. 3:18cr90-2

GREGORY KENNETH ROSIE,
Petitioner.

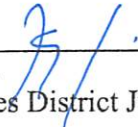
MEMORANDUM OPINION

The petitioner, a federal prisoner, moved to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. (“§ 2255 Motion,” ECF No. 223.) The petitioner alleges that his attorney was ineffective in advising him about his right to appeal. (*Id.* at 4, 13.) The Government argues that the § 2255 Motion should be dismissed. (ECF No. 293, at 3–4.) The petitioner did not file a response. Accordingly, by Memorandum Order entered on November 17, 2021, the Court directed the petitioner to submit a written statement expressing his desire to continue litigating this matter and to show cause why his § 2255 Motion should not be dismissed within eleven (11) days of entry thereof. The Court expressly warned the petitioner that if he failed to submit a timely response, then the action would be dismissed without prejudice. *See* Fed. R. Civ. P. 41(b).

More than eleven (11) days have now passed since entry of the November 17, 2021 Memorandum Order. The Petitioner has not filed a response or otherwise communicated with the Court. Accordingly, the § 2255 Motion (ECF No. 223) and the action will be DISMISSED WITHOUT PREJUDICE. A certificate of appealability will be DENIED.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 5 January 2022
Richmond, Virginia

/s/ 

John A. Gibney, Jr.
Senior United States District Judge